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December 2016

# RULE OF LAW ASSISTANCE

## DOD Should Assess Workforce Size of Defense Institute of International Legal Studies

# GAO Highlights

Highlights of [GAO-17-118](#), a report to the Committee on Armed Services, House of Representatives

## Why GAO Did This Study

Rule of law assistance is an important component of U.S. efforts to build the capacity of foreign partners to support international peace and security. DIILS is DOD's lead global resource for providing professional legal education and assistance to foreign military personnel and civilian defense officials on core rule of law issues. Such issues include military justice, anticorruption, and professionalization of the military. In addition, DIILS provides defense institution-building assistance and statutorily required human rights training to foreign partners. In fiscal years 2013 through 2016, DIILS disbursed over \$24 million.

House Report 114-102 includes a provision for GAO to review DOD's efforts to build partner capacity in the rule of law. This report examines, among other things, the extent to which (1) DIILS has provided rule of law assistance to foreign partners and assessed its quality and (2) DOD has considered whether the size of DIILS's workforce aligns with the scope of its mission. GAO reviewed and analyzed agency funding, planning, and organizational structure documents for fiscal years 2013 through 2016. GAO interviewed U.S. officials in Washington, D.C., and conducted fieldwork in Newport, Rhode Island; Botswana; Germany; and Uganda. Locations were selected on the basis of the nature and timing of assistance.

## What GAO Recommends

The Secretary of Defense should assess the extent to which the size of DIILS's workforce is aligned with the scope of its mission. DOD concurred with the recommendation.

View [GAO-17-118](#). For more information, contact Charles Michael Johnson, Jr., at (202) 512-7331 or [johnsoncm@gao.gov](mailto:johnsoncm@gao.gov).

December 2016

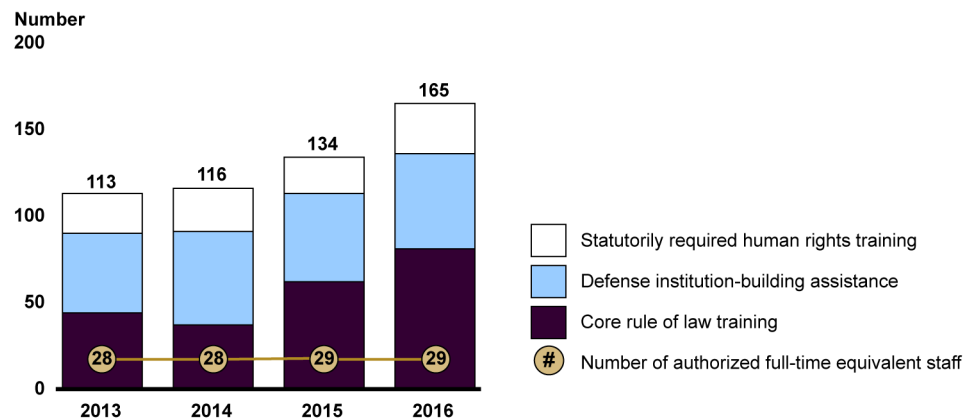
## RULE OF LAW ASSISTANCE

# DOD Should Assess Workforce Size of Defense Institute of International Legal Studies

## What GAO Found

For fiscal years 2013 through 2016, the Defense Institute of International Legal Studies (DIILS) conducted over 500 rule of law events in almost 100 countries, and it assessed the quality of its assistance in a variety of ways. DIILS provides three types of assistance: (1) core rule of law training in the United States and abroad, (2) defense institution-building, and (3) statutorily required human rights training. DIILS takes steps to assess the quality of its assistance, such as by conducting student feedback surveys and real-time classroom assessments of students' learning. Foreign partner recipients of DIILS assistance and U.S. officials working to provide it told us they generally held positive views about the quality of DIILS's services.

**Number and Type of Rule of Law Assistance Events Held by the Defense Institute of International Legal Studies, and Full-Time Equivalent Staff, Fiscal Years 2013–2016**



Source: GAO analysis of Department of Defense data. | GAO-17-118

Although the demand for DIILS's assistance has increased since 2013, the Department of Defense (DOD) has not assessed whether the size of DIILS's workforce aligns with the scope of its mission. Federal internal control standards highlight the need for management to conduct reviews at the functional or activity level, including conducting a workforce review, if needed. Since fiscal year 2013, the demand for DIILS's assistance has grown by nearly 50 percent, while its workforce has increased by one full-time equivalent (FTE) staff position. According to DIILS officials, as a result of staffing constraints, DIILS staff have completed 55 percent of required after action reports, which capture lessons learned for future events; expended 55 percent of all defense institution-building funds that DOD has made available since fiscal year 2013; and faced challenges in increasing capacity of residence courses to help meet demand. According to DOD officials, DOD has declined DIILS's requests for additional FTE staff based on budget considerations and not on an assessment of whether the size of DIILS's workforce aligns with the scope of its mission. Without a clear understanding provided by such an assessment, DOD cannot adequately ensure that DIILS is effectively meeting demands for its training and assistance to foreign military officials, which may contribute to more robust rule of law systems, more accountable governments, and greater respect for human rights.

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## Abbreviations

DOD	Department of Defense
DIILS	Defense Institute of International Legal Studies
DSCA	Defense Security Cooperation Agency
FTE	full-time equivalent
IMET	International Military Education and Training
State	Department of State

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December 14, 2016

The Honorable Mac Thornberry  
Chairman  
The Honorable Adam Smith  
Ranking Member  
Committee on Armed Services  
House of Representatives

Rule of law assistance is an important component of U.S. efforts to promote the capacity and will of foreign partner security forces to carry out internal military justice and accountability functions that also support international peace and security. The Department of Defense (DOD) supports efforts to help U.S. partners build more robust rule of law systems, more accountable governments, and greater respect for human rights. DOD incorporates rule of law assistance and training as part of a wide range of assistance programs. The Defense Institute of International Legal Studies (DIILS) is DOD's lead global resource for providing professional legal education and rule of law engagement programs to foreign military personnel and civilian defense officials.

House Report 114-102 includes a provision for us to review DOD's efforts to work with its foreign military partners to build rule of law capacity.<sup>1</sup> This report examines the extent to which, for fiscal years 2013 through 2016, (1) DIILS has provided rule of law assistance to foreign partners and assessed its quality, (2) the planning processes for DIILS's rule of law efforts have considered foreign partner needs, and (3) DOD has considered whether the size of DIILS's workforce aligns with the scope of its mission.

To address our objectives, we analyzed documents and data and interviewed officials from DOD and the Department of State (State), including DIILS, the Defense Security Cooperation Agency (DSCA), and the Office of the Under Secretary of Defense for Policy, as well as in-country DOD security cooperation and State officials, DIILS training

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<sup>1</sup>House Report 114-102 accompanied H.R. 1735, a bill to authorize appropriations for fiscal year 2016 for the military activities of DOD and for other purposes. The President vetoed H.R. 1735. Subsequently, Congress passed and the President signed S. 1356, which became Pub. L. No. 114-92, the National Defense Authorization Act for Fiscal Year 2016.

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facilitators, and foreign partner officials. We focused on rule of law assistance that DIILS provided and excluded rule of law assistance provided by other DOD entities, the U.S. Agency for International Development, and the Departments of Homeland Security and Justice. We also excluded State assistance that DOD did not implement. To examine the extent to which DIILS has provided rule of law assistance to foreign partners and assessed its quality for fiscal years 2013 through 2016, we reviewed relevant authorities and identified the processes that DOD and State have in place to plan rule of law assistance. We focused on DIILS and the primary processes used to implement (1) core rule of law training, determined through a series of interagency working groups;<sup>2</sup> (2) defense institution-building assistance, determined by the Office of the Under Secretary of Defense for Policy and State's Bureau of Political-Military Affairs in coordination with DOD; and (3) statutorily required human rights training, delivered pursuant to the authority to build the capacity of foreign security forces as part of the Global Train and Equip Program.<sup>3</sup> We also analyzed event data from DIILS for fiscal years 2013 through 2016. Based on the data checks we performed, we determined that the funding data we collected from DIILS were sufficiently reliable for the purposes of our reporting objectives. To examine the extent to which DIILS assessed the quality of its assistance to foreign partners, we interviewed DIILS officials about the steps they take to assess the quality of their assistance and foreign recipients about their perspectives on the assistance they received. We compared DIILS officials' statements with leading practices that we have identified for assessing the quality of strategic training.<sup>4</sup>

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<sup>2</sup>We define core rule of law training as DIILS's 3-day to 10-week resident and mobile training events provided to foreign military officials that are primarily funded through the International Military Education and Training (IMET) program.

<sup>3</sup>The Global Train and Equip Program was previously referred to as the "Section 1206" program because it was originally authorized in Section 1206 of the National Defense Authorization Act for Fiscal Year 2006; see Pub. L. No. 109-163, § 1206, 119 Stat. 3456, Jan. 6, 2006. The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 authorized a permanent program codified at 10 U.S.C. § 2282, and the program is now often referred to as "Section 2282." See Pub. L. No. 113-291, § 1205(a)(1), 128 Stat. 3533, Dec. 19, 2014. This report covers periods of time during which both "Section 1206" and "Section 2282" were common nomenclature for the Global Train and Equip Program.

<sup>4</sup>GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004).

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To examine the extent to which planning processes for DILLS's rule of law efforts have considered the needs of foreign partners, we observed a U.S. Africa Command interagency working group conference for developing this assistance and reviewed DOD and State strategic guidance. We compared these processes with Presidential Policy Directive 23, which provides policy guidance for U.S. security sector assistance.<sup>5</sup> To examine the extent to which DOD has considered whether DILLS's workforce aligns with its mission, we examined DILLS's organizational structure and work requirements and actions DOD has taken to address DILLS's organizational needs. We compared DOD's actions with federal internal control standards and guiding principles articulated in DOD's *Fiscal Years 2013–2018 Strategic Workforce Plan Report*.<sup>6</sup> For more detail on our scope and methodology, see appendix I.

We conducted this performance audit from September 2015 to December 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

The United States is committed to building foreign partner capacity to, among other things, (1) encourage effective and mutually beneficial relations to support international peace and security efforts and (2) enable partner countries to use their own resources with maximum effectiveness. Rule of law assistance is an important component of U.S. efforts to build foreign partner capacity, and according to officials, includes defense institution-building and foreign partner training focused on military justice, human rights, anticorruption, and professionalization of the military. Officials noted that countries with an established rule of law system have

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<sup>5</sup>The White House, *Presidential Policy Directive 23 on Security Sector Assistance* (Washington, D.C.: Apr. 5, 2013).

<sup>6</sup>See GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards were in effect prior to fiscal year 2016 and cover the time period of agencies' data in our report. The standards were subsequently updated in 2014. The updated standards went into effect on October 1, 2015. See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). See also DOD, *Fiscal Years 2013–2018 Strategic Workforce Plan Report*, July 2013.



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more stability and fewer people trying to flee to other countries or turning to terrorism. DOD integrates rule of law concepts into various types of training and assistance carried out under Title 10 and Title 22 of the United States Code. Title 10 covers authorities for the armed forces, focusing primarily on DOD, whereas Title 22 covers authorities regarding foreign relations, which primarily fall under State. According to officials, most of this assistance is carried out through military-to-military events. DOD schools, such as the U.S. Army War College, may also cover some rule of law concepts as part of other training.<sup>7</sup> (See app. II for examples of rule of law assistance that various DOD entities implement.)

DIILS is located in Newport, Rhode Island; its predecessor, the International Training Detachment of the Naval Justice School, was created in 1992 to provide foreign militaries with training on the rule of law, including human rights and the law of armed conflict, such as rules for the use of force. In response to DOD and State initiatives in the past decade, DIILS has expanded its curriculum to include rule of law issues related to peacekeeping and combating terrorism. Since 1992, DIILS's primary focus has been to provide rule of law assistance. According to officials, DIILS has reached over 30,000 participants in over 140 countries since it was created.

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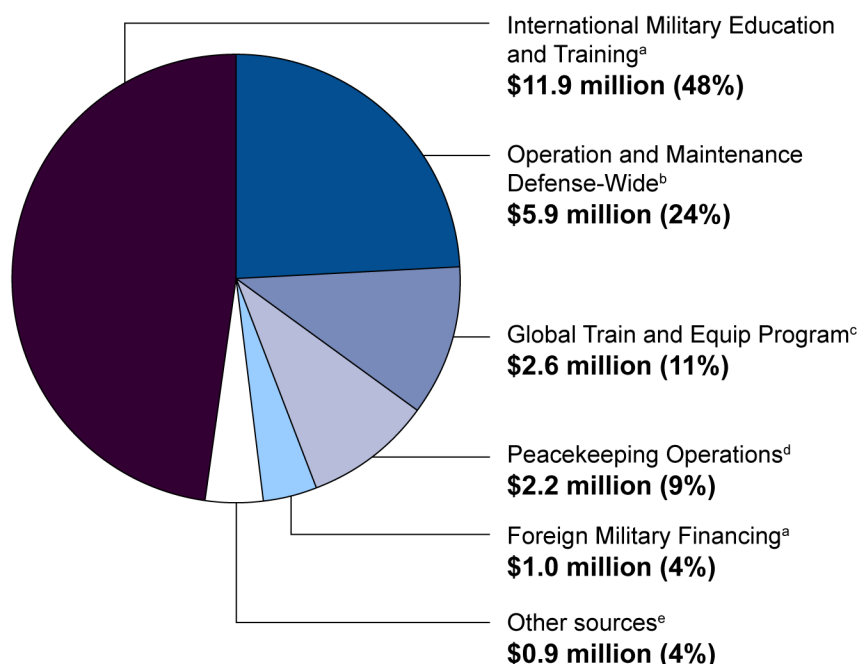
## DIILS Funding Sources

DIILS is funded entirely through reimbursements from DOD and State. Demand for DIILS assistance may change from year to year. For fiscal years 2013 through 2016, DOD and State used five primary funding accounts to fund DIILS's rule of law assistance each year, with various other accounts used less consistently. During this period, DIILS disbursed about \$6.2 million a year, on average, for rule of law events, \$24.6 million in total. Figure 1 shows the funding sources and the proportion of DIILS disbursements attributed to each source for fiscal years 2013 through 2016.

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<sup>7</sup>U.S. military schools, among other things, maybe used to provide professional military education training to foreign military officials.

**Figure 1: Funding Sources for Rule of Law Assistance Disbursed by the Defense Institute of International Legal Studies in Fiscal Years 2013–2016**



Source: GAO analysis of Defense Institute of International Legal Studies data. | GAO-17-118

Notes: Data are current as of October 2016.

<sup>a</sup>These funds are appropriated to the President. The Department of State (State) determines policy priorities.

<sup>b</sup>These funds are appropriated to DOD.

<sup>c</sup>These funds are appropriated to DOD but require State concurrence.

<sup>d</sup>These funds are appropriated to State, which determines policy priorities.

<sup>e</sup>Appropriations for other sources of funds vary. For fiscal years 2013 through 2016, other funding sources included the Combating Terrorism Fellowship Program and the Global Security Contingency Fund, among others.

The funding sources for DIILS assistance are described below, in order of the amount of total disbursements for fiscal years 2013 through 2016, from largest to smallest.

1. *International Military Education and Training (IMET)* funds account for 48 percent, \$11.9 million, of DIILS disbursements for fiscal years 2013

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through 2016 and include DIILS operating expenses.<sup>8</sup> IMET funds are appropriated to the President. State prioritizes assistance and develops policy guidance, while DOD has the primary responsibility for implementing IMET activities.<sup>9</sup> Primarily through IMET, DIILS currently provides 17 mobile and 8 resident courses on topics ranging from military justice and peacekeeping operations to legal aspects of combating corruption and terrorism. Most mobile courses are taught within a week, while resident courses are generally 3 weeks.

2. *Operation and Maintenance Defense-Wide* funds account for 24 percent, \$5.9 million, of DIILS disbursements for fiscal years 2013 through 2016 and cover overhead and planning requirements for DIILS to develop and implement long-term global strategies for rule of law security cooperation, including defense institution-building assistance. DOD's Office of the Under Secretary of Defense for Policy is responsible for setting priorities and distributing these funds. For example, DIILS has completed legal assessments in Armenia, Indonesia, and Ukraine; supported military legislative reform in Botswana; and conducted defense institution-building scoping visits in Cambodia, Guatemala, and Thailand, among other efforts.
3. *Global Train and Equip Program* funds account for about 11 percent, \$2.6 million, of DIILS disbursements for fiscal years 2013 through 2016. DOD's Office of the Under Secretary of Defense for Special Operations and Low Intensity Conflict is responsible for policy guidance and oversight of the Global Train and Equip Program, with State concurrence. These funds provide military equipment, supplies, and training to build the capacity of foreign military forces to conduct counterterrorism operations, among other things.<sup>10</sup> The legislation authorizing these activities includes a provision requiring each project to include elements that promote human rights and respect for civilian

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<sup>8</sup>For more information on IMET, see GAO, *International Military Education and Training: Agencies Should Emphasize Human Rights Training and Improve Evaluations*, [GAO-12-123](#) (Washington, D.C.: Oct. 27, 2011).

<sup>9</sup>State, in addition to determining each country's eligibility for security assistance programs as well as the scope of security assistance and funding level for each country, also identifies the annual IMET goals and objectives for each country through State's Congressional Budget Justification. DOD, through DSCA, is responsible for developing the administrative policy and administering program guidance and direction to the military departments.

<sup>10</sup>For more information on the Global Train and Equip Program, see GAO, *Counterterrorism: DOD Should Enhance Management of and Reporting on Its Global Train and Equip Program*, [GAO-16-368](#) (Washington, D.C.: Apr. 18, 2016).

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authority within that country,<sup>11</sup> a requirement that DOD has designated DIILS to fulfill. According to DIILS, it meets this requirement in a 2-day, in-country seminar.

4. *Peacekeeping Operations* funds account for about 9 percent, \$2.2 million, of DIILS disbursements for fiscal years 2013 through 2016 and are appropriated to State, and managed by its Bureau of Political-Military Affairs, for use in regional security peacekeeping operations and other programs carried out to further U.S. national security interests. According to DOD, these funds can be transferred to DOD to support specific requirements identified by a U.S. embassy or geographic combatant command. Peacekeeping Operations funding provided to DIILS since fiscal year 2013 has primarily focused on building the legal capacity of magistrates in the Armed Forces of the Democratic Republic of the Congo.
5. *Foreign Military Financing* funds account for 4 percent, \$1.0 million, of DIILS disbursements for fiscal years 2013 through 2016. Foreign Military Financing funds are appropriated to the President. State determines policy priorities for the use of the account, while DOD's DSCA has overall responsibility for implementing Foreign Military Financing funded programs. Foreign Military Financing funds allow for the United States to sell defense articles and services to foreign countries and international organizations if doing so will strengthen the security of the United States and promote world peace. DIILS is one DOD school, among others, that uses these funds to provide training, such as resident and mobile courses, as well as defense institution-building efforts. Since fiscal year 2013, these funds have been used in Belize, Colombia, Ghana, Mexico, and Ukraine, among others.
6. *Other sources* account for 4 percent, \$0.9 million, of DIILS disbursements for fiscal years 2013 through 2016 and include the Combating Terrorism Fellowship Program and the Global Security Contingency Fund, among others. The purpose of the Combating Terrorism Fellowship Program is to provide foreign partners' mid- and senior-level defense and security officials with operational and strategic-level education on combating terrorism while reinforcing partner-nation capabilities. The Global Security Contingency Fund

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<sup>11</sup>10 U.S.C § 2282.

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aims to address key security challenges in partner countries in the near- to midterm.<sup>12</sup>

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## DIILS Has Conducted a Variety of Rule of Law Events in Almost 100 Countries since Fiscal Year 2013 and Has Assessed Its Quality in Various Ways

DIILS provides three types of rule of law assistance, each with a different DOD or State entity requesting the assistance. The three assistance types are core rule of law training, defense institution-building, and statutorily required human rights training. For fiscal years 2013 through 2016, DIILS conducted over 500 rule of law events in almost 100 countries, with U.S. Africa Command followed by U.S. European Command as the U.S. geographic combatant commands holding the most DIILS events. DIILS assesses the quality of its assistance in various ways, including implementing student surveys, conducting pre- and post-course tests, and instituting real-time classroom assessments of participants' comprehension. In some cases, DIILS course facilitators also produce after action reports that may include observations of the assistance provided and challenges, if any, in providing the assistance. Our interviews with foreign partner recipients of DIILS assistance and U.S. officials working to provide it generally reflected positive views about the quality of DIILS's services.

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## DIILS Rule of Law Assistance Includes Core Rule of Law Training, Defense Institution-Building Assistance, and Statutorily Required Human Rights Training

DIILS assistance includes three types of rule of law assistance, each with different DOD or State entities generating requests. A summary of these assistance types, along with the primary funding source of each, is shown in table 1.

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<sup>12</sup>For more information on the Global Security Contingency Fund, see GAO, *Building Partner Capacity: State and DOD Need to Define Time Frames to Guide and Track Global Security Contingency Fund Projects*, [GAO-15-75](#) (Washington, D.C.: Nov. 20, 2014).

**Table 1: Types of Rule of Law Assistance Provided through the Defense Institute of International Legal Studies, with Primary Funding Sources for Fiscal Years 2013–2016**

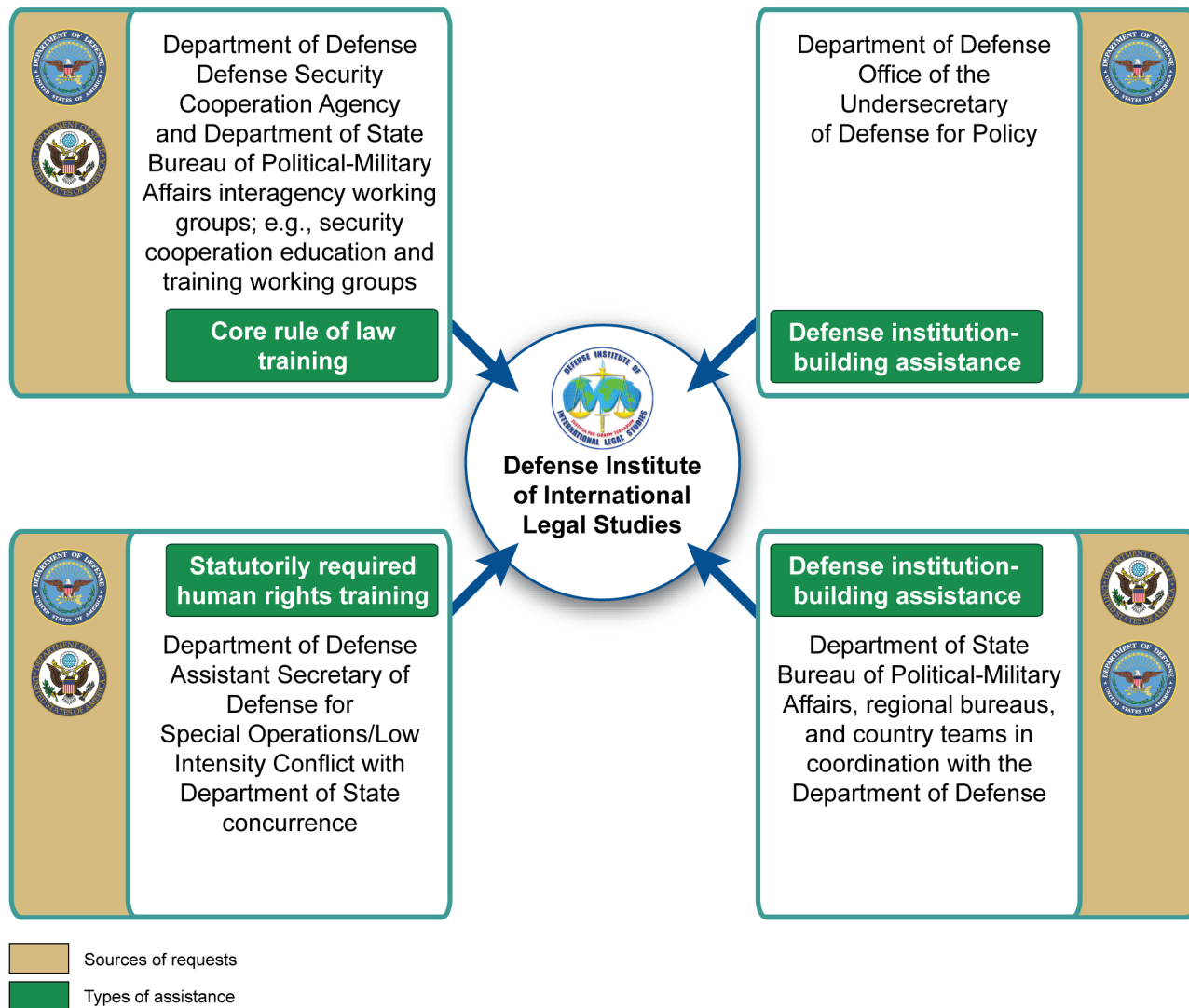
Assistance type	Summary of assistance	Primary funding source for fiscal years 2013-2016
Core rule of law training	A selection of 25 resident and mobile courses on topics such as military justice, anticorruption, professionalization of the military, human rights, and the law of armed conflict.	International Military Education and Training, \$11.9 million
Defense institution- building assistance	Targeted, multiphase engagements catered to a country's rule of law needs, such as modernizing military legislation and regulations.	Operation and Maintenance Defense-Wide, \$5.9 million Peacekeeping Operations, \$2.2 million Foreign Military Financing, \$1.0 million
Statutorily required human rights training	A 2-day course intended to satisfy a legislative requirement that human rights training, including respect for human rights, fundamental freedoms, and civilian control of the military, be incorporated into Global Train and Equip Program assistance.	Global Train and Equip Program, \$2.6 million

Sources: GAO analysis of Departments of Defense and State data. | GAO-17-118

Note: Primary funding sources represented in the table reflect those sources for fiscal years 2013 through 2016 that contributed the most funds to each assistance type provided through the Defense Institute of International Legal Studies. The funds listed do not reflect all sources with the authority to provide each type of assistance.

Figure 2 illustrates the various DOD and State entities involved in requesting and funding the different types of DIILS assistance.

**Figure 2: Sources of Requests for Defense Institute of International Legal Studies Assistance, since Fiscal Year 2013**



Sources: GAO analysis of Departments of Defense and State data. | GAO-17-118

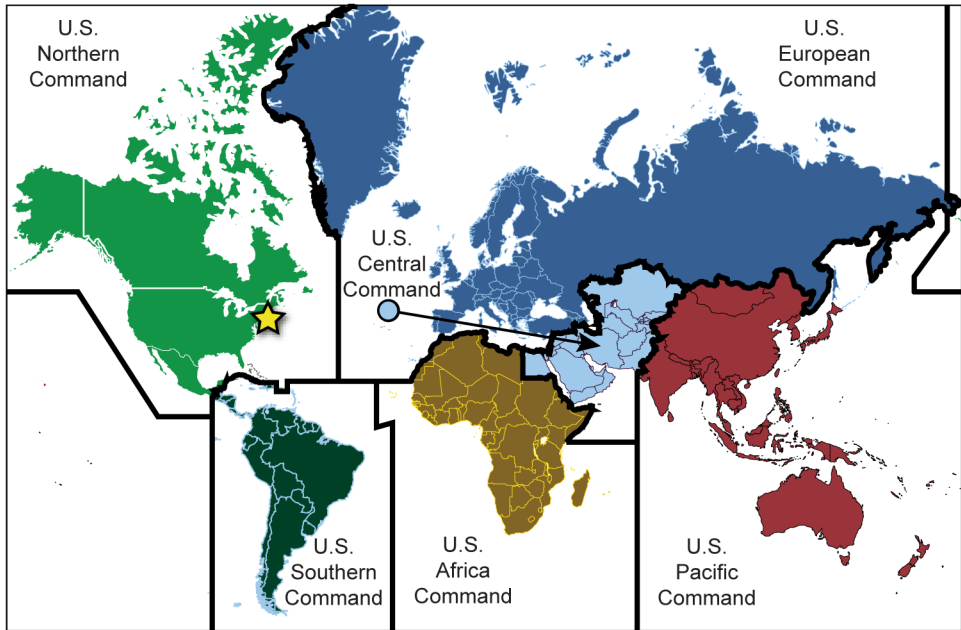
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Since Fiscal Year 2013,  
DIILS Has Provided  
Assistance to Almost 100  
Countries, with the  
Greatest Number of  
Events in Africa

For fiscal years 2013 through 2016, DIILS provided over 500 training and institution-building events to about 100 countries; that includes over 200 core rule of law events, about 200 defense institution-building events, and about 100 statutorily required human rights training events. Of DOD's six geographic combatant commands, U.S. Africa Command had the greatest number of DIILS events, with 164, followed by U.S. European Command, with 101. Figure 3 further illustrates the comparison in number of DIILS events by geographic location.

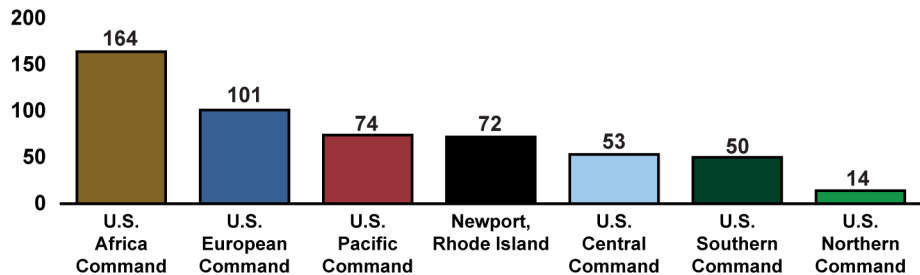


**Figure 3: Number of Training and Institution-Building Events the Defense Institute of International Legal Studies Conducted in Fiscal Years 2013–2016, by Department of Defense Geographic Combatant Command**



★ Newport, Rhode Island

Number of events



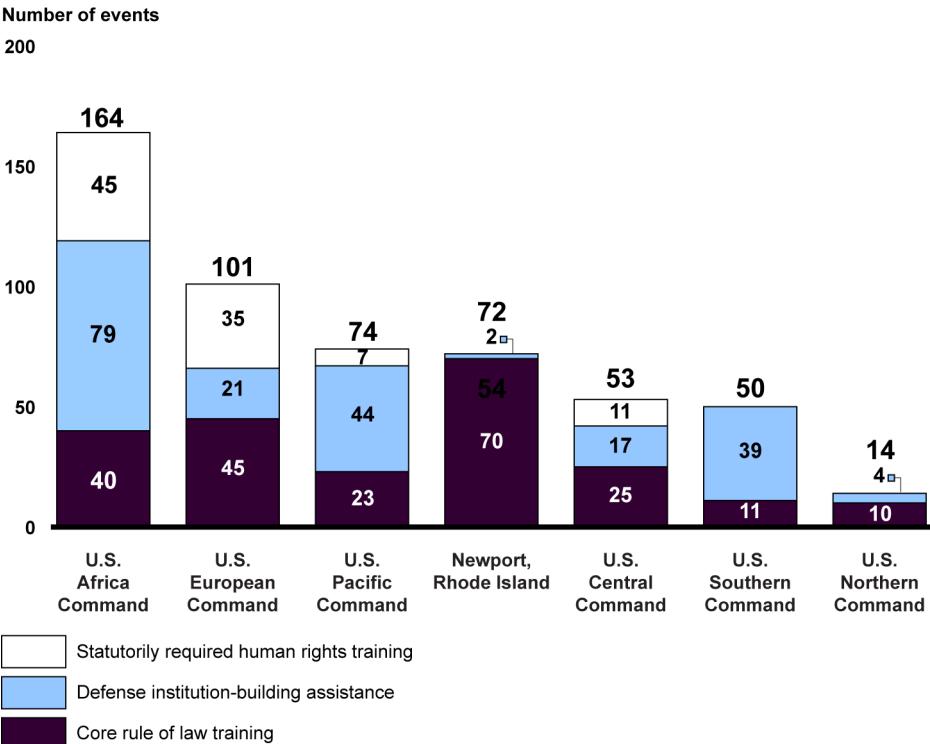
Sources: GAO analysis of Department of Defense data; Map Resources (map). | GAO-17-118

Note: Resident courses, in which participants from numerous countries and regions participate, primarily are held in Newport, Rhode Island (represented in the map with a star).

Figure 4 breaks out the DIILS assistance within each geographic combatant command and DIILS headquarters by assistance type for fiscal years 2013 through 2016. This figure shows that U.S. Africa Command and U.S. Pacific Command have held the most defense institution-building assistance events, while U.S. Africa Command and U.S. European Command have held the most statutorily required human

rights training events. In addition, the figure shows that DILLS's school in Newport, Rhode Island, holds the most core rule of law training events.

**Figure 4: Number of Training and Institution-Building Events Conducted by the Defense Institute of International Legal Studies for Fiscal Years 2013–2016, by Geographic Combatant Command and Assistance Type**



Source: GAO analysis of Department of Defense data. | GAO-17-118

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## DIILS Takes Several Steps to Assess the Quality of Its Assistance, Which Is Generally Viewed Positively by Recipients and U.S. Officials

DIILS officials provided examples of several steps that they take to assess the quality of DIILS's assistance. These actions generally aligned with leading practices for assessing the quality of training, based on the information officials provided.<sup>13</sup> These include using multiple assessment methods, such as the following types of activities:

- *Student surveys, pre- and post-course tests, and instructor feedback.* To improve course content, DIILS facilitators solicit feedback on their effectiveness and on the relevance of the course materials through student surveys and pre- and post-course tests. In addition, DIILS encourages facilitators to provide feedback on how courses can be improved. For example, during fieldwork in Uganda, we reviewed student feedback surveys from a 2-day course providing statutorily required human rights training. The survey responses expressed student opinions about the usefulness of the course content and the topics that were most valuable to them. The responses were generally positive, and participants most frequently noted that human rights, international humanitarian law, and rules of engagement were the most valuable topics covered in the course.
- *Real-time assessments of participant comprehension.* DIILS facilitators generally encourage participation and gather feedback from participants in real time to assess understanding, generally making adjustments to their teaching as needed. For example, in Uganda, we observed facilitators using classroom voting technology as a basis for discussion and to signal when students were struggling with the course content, allowing instructors to identify difficult concepts and spend more time clarifying those concepts. During fieldwork in Botswana, we observed DIILS officials updating planned topics daily and corresponding preparatory materials nightly based on how the meetings progressed and on daily feedback from foreign partners as to what topics would be most helpful to discuss.
- *After action reports.* DIILS facilitators prepare after action reports for certain events to record a summary of the assistance they provided, outcomes of the training, any challenges they encountered, and further actions to be taken. DIILS officials stated that after action reports provide continuity and capture lessons learned for DIILS facilitators who will be traveling to those countries in the future. According to DIILS officials' estimates, due to limited staff resources,

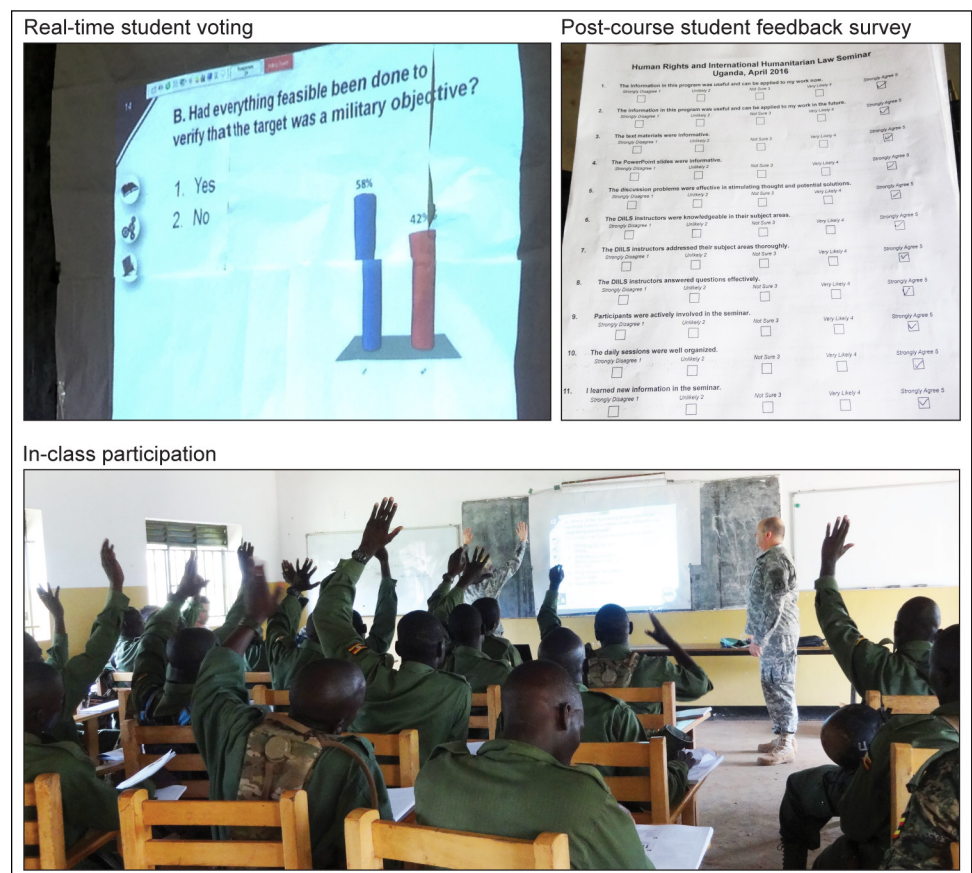
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<sup>13</sup>For more information, see GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004).

facilitators had completed only a little more than half of the after action reports required during fiscal years 2013 through 2016, an issue we discuss later in this report.

Photographs in figure 5 show classroom voting technology that DIILS facilitators use to assess training participants' understanding in real time, a typical post-course student feedback survey, and DIILS facilitators soliciting student participation and feedback during a training session in Uganda.

**Figure 5: Examples of Training Participant Feedback Mechanisms Used by the Defense Institute of International Legal Studies**



Source: GAO. | GAO-17-118

Officials from the five geographic combatant commands we spoke with as well as other DOD and State officials and foreign partners who participated in DIILS's events lauded DIILS for its high-quality expertise and assistance.

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- U.S. Southern Command officials noted that its service components—Army, Navy, Air Force, and Marines—provide rule of law assistance when DIILS cannot provide it. However, according to these officials, the training its service components provide generally lacks the same level of expertise as the training provided by DIILS.
  - Senior foreign military officials in Botswana referred to DIILS’s assistance as “invaluable” and told us that although they examined the best practices of several countries for modernizing defense legislation, they chose to work most closely with DIILS. Further, the foreign officials noted that the progress they have made could not have been achieved without DIILS’s assistance.
  - Foreign military officials in Uganda and Newport told us that they would rate the DIILS facilitators a 10 out of 10 and said they wanted more DIILS training. A participant specifically reported learning new material that he could apply during his upcoming deployment.
  - According to DIILS officials, senior foreign military officials reacted positively to DIILS’s resident courses. For example, a participant praised the course content and told DIILS officials that a lecture on gender-based violence had been particularly thought-provoking and had changed the way he viewed the topic. Another foreign official told DIILS staff that prior to attending the course he did not have a high opinion of U.S. military personnel but that he left the course with positive opinions of the United States and U.S. military officials.
  - Underscoring the value that U.S. officials hold for DIILS institution-building assistance, DIILS officials cited the following example. DIILS was planning to provide defense institution-building assistance to military officials in Belize, but when the country team there learned that funding from the Office of the Under Secretary of Defense for Policy was no longer available for use in Belize, the U.S. officials in Belize found another funding source to bring DIILS facilitators in-country to provide the assistance. In addition, several DIILS officials noted that they view defense institution-building—more than any other type of assistance DIILS provides—as contributing to concrete, measurable outcomes, such as developing an instruction manual for magistrates in the Democratic Republic of the Congo, and to long-term relationships with partner nations.

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## Interagency Planning Processes for DIILS Rule of Law Assistance Generally Consider Foreign Partner Needs

DOD considers foreign partner needs in planning for DIILS's rule of law assistance in accordance with Presidential Policy Directive 23. This directive provides policy guidance for U.S. security sector assistance, including rule of law, and highlights that U.S. agencies should consider key factors such as foreign partner needs in planning and implementing assistance. In-country U.S. officials are primarily responsible for working with foreign partners to identify and propose efforts to address their needs, which get incorporated into DIILS's rule of law assistance, among other military training. For its core rule of law training, DIILS participates in regional and annual interagency Security Cooperation Education and Training Working Groups to identify and address foreign partner needs. For its defense institution-building assistance, DIILS conducts in-depth assessments in-country to identify and address foreign partner needs.

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## In-Country U.S. Officials Identify Foreign Partner Needs for Rule of Law Assistance

In-country DOD security cooperation officials are primarily responsible for identifying and addressing foreign partner needs that get incorporated into DIILS's rule of law assistance, among other military training; for planning this training and assistance; and for ensuring that it is aligned with overall U.S. strategy as well as with regional and country-specific military strategies. In particular, they are required to know the partner nation's requirements and capabilities for rule of law assistance, and they regularly advise and assist host-nation counterparts in identifying and programming training requirements. In addition to regular communication with the partner nation, in-country DOD security cooperation officials coordinate regularly with their respective geographic combatant commands and country teams and with DOD and State headquarter officials to ensure that the assistance is aligned with U.S. strategy.

Additionally, in-country DOD security cooperation officials develop integrated country strategies with country teams to further address partner needs. State requires all embassies to complete an integrated country strategy—a 3-year strategy to be developed collaboratively under chief-of-mission leadership and authority with the input of DOD and any other in-country U.S. agencies under chief-of-mission authority. These strategies aim to articulate the U.S.'s priorities in a given country by setting mission goals and objectives, including those pertaining to rule of law assistance, among other security sector assistance programs. State's Bureau of Political-Military Affairs officials use these integrated country strategies, as well as DOD's theater campaign plans and country plans,

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as the basis for resource allocation for core rule of law assistance.<sup>14</sup> The country team consults with the host-nation government and military officials, when appropriate, regarding the nation's needs, priorities, and constraints. In reviewing integrated country strategies of the top 10 partner countries receiving DIILS assistance, we determined that eight of the 10 strategies specifically noted the importance of foreign military rule of law assistance. These eight strategies mentioned several aspects of rule of law, including professionalization of the military, human rights, and military justice. Additionally, seven of these eight strategies noted one or more specific actions to be taken to address rule of law assistance to foreign military partners, such as creating anticorruption task forces and holding human rights-themed discussions with foreign military officials.

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### DIILS Participates in Interagency Planning Efforts and Conducts Assessments to Identify and Address Foreign Partner Needs

For its core rule of law training, DIILS participates in regional, annual interagency Security Cooperation Education and Training Working Groups to identify and address foreign partner needs. For defense institution-building assistance, DIILS conducts in-depth assessments to identify and address foreign partner needs. DIILS works closely with various entities to plan and deliver statutorily required human rights training. However, since the law requires that DOD provide this training as part of its Global Train and Equip Program assistance, we do not include a discussion about planning this type of assistance in this review.

### Annual Interagency Conferences Are Key Planning Events for Considering Foreign Partner Needs in DIILS's Core Rule of Law Assistance

DIILS staff coordinate with geographic combatant commands, DOD security cooperation officials, and State officials, among others, at annual interagency working group conferences to identify and plan for training opportunities in line with foreign partner needs. DOD requires each geographic combatant command to host such a conference each year—known as a Security Cooperation Education and Training Working Group. In addition to addressing foreign partner needs, these conferences also allow interagency collaboration on reviewing, coordinating, and finalizing each country's rule of law education and training plan for the upcoming budget year and ensuring that activities are within policy guidelines, among other things. DIILS—along with other DOD schools—attends these conferences to educate in-country DOD security cooperation officials, and sometimes locally employed staff from host-nations, about the core rule of law training and defense institution-building assistance it

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<sup>14</sup>Theater campaign plans are military plans that aim to guide events for each geographic combatant command's area of responsibility.

can offer and to identify opportunities to match U.S. courses with partner-country needs (see fig. 6).

**Figure 6: Agenda Cover for a 2016 Security Cooperation Education and Training Working Group and an Accompanying Brochure for the Defense Institute of International Legal Studies**



Sources: Department of Defense publications. | GAO-17-118

In advance of a Security Cooperation Education and Training Working Group, in-country DOD security cooperation officials develop country-specific education and training plans to address foreign partner and U.S. strategic needs, often with input from foreign partners. These plans include the partner country's rule of law assistance and other education goals and identify the individuals who will participate, with input from the host-nation's military officials. DOD in-country security cooperation officials then select training courses to address the mix of partner-country and U.S. goals outlined in the combatant command and country plans. During the 2016 U.S. Africa Command Security Cooperation Education and Training Working Group in Germany, we observed a DIILS official discussing assistance options with security cooperation officials to determine the best way to respond to identified foreign partner needs.

According to DIILS, State headquarters, and geographic combatant command officials, holding these conferences in person has various benefits in addition to planning the rule of law assistance that DIILS



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provides. For example, the conferences facilitate discussions between DILS officials and DOD security cooperation officials, which can clarify for DILS officials the needs of foreign partners and enable the DILS officials to make better recommendations on what courses are best suited to meet those needs. The conferences also help to ensure that country teams stay within their allotted IMET budgets and assist in-country DOD security cooperation officials in adhering to State policy and any legal requirements. For example, we observed State officials asking several in-country DOD security cooperation officials about the availability of female foreign military officials to participate in training, a State policy priority, and State officials informing the security cooperation officials about the requirement to allocate a certain percentage of their IMET funds for Expanded-IMET.<sup>15</sup>

In addition to assisting with U.S. efforts to meet the needs of foreign partners, the Security Cooperation Education and Training Working Group conferences also provide an opportunity for U.S. officials to ensure that training aligns with U.S. strategic goals, among other benefits. State officials noted that DOD security cooperation officials benefit from taking time to think strategically and deepen their understanding of how their efforts fit into the broader context of U.S. strategy. We observed State officials discussing U.S. strategic goals and making adjustments to several countries' training plans with these goals in mind. According to officials from State's Bureau of Political-Military Affairs, holding these conferences in person also helps in-country DOD security cooperation officials build relationships among agencies and country teams and offers opportunities for security cooperation officials to learn from each other about what is working well and what is not. Moreover, they noted that it is easier to hold officials accountable to identify and address problems when the working group is held in person than when it is held virtually. For example, a State official said that he has removed courses from a country list that were not consistent with the priorities expressed in the integrated country strategy; he noted that identifying and addressing such concerns is more challenging in the absence of the real-time, person-to-person communication that the conferences facilitate.

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<sup>15</sup>As we previously reported, Congress expanded the objectives of the IMET program in 1990 to focus on fostering greater understanding of and respect for civilian control of the military and contributing to improving military justice systems and procedures, in accordance with internationally recognized human rights, among other things. State and DOD refer to the expanded IMET objectives as Expanded-IMET. [GAO-12-123](#).

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DILS Conducts In-Depth Assessments to Identify Foreign Partner Needs to Be Addressed with Defense Institution-Building Assistance

For defense institution-building assistance, DILS conducts in-depth assessments to ensure that foreign partner needs are addressed and consonant with U.S. goals. To identify candidates for these assessments, DILS leverages its familiarity with countries' needs and capacity for rule of law assistance—knowledge gained through regular communication with in-country DOD security cooperation officials, geographic combatant commands, and foreign military officials who communicate the assistance needs of their countries, according to DILS officials. DILS and other defense institution-building providers then share recommendations for countries they would like to assist, contingent on the availability of resources, with the Office of the Under Secretary of Defense for Policy. That office considers the recommendations in setting priorities for defense institution-building assistance, including the assistance that the office will request of DILS. According to State officials, for State-funded defense institution-building assistance, in-country State officials identify needs for defense institution-building assistance and work through State to provide funding to DOD for DILS to implement the assistance.

Once the Office of the Under Secretary of Defense for Policy and State select a country to receive defense institution-building assistance, DILS will travel to the individual countries to meet with in-country DOD security cooperation officials and foreign military and government officials to assess that country's needs. DILS officials take these needs into account to formulate an individualized assistance plan for each country. For example, according to a DILS official, to conduct an assessment of a country's legal system, it could take about 2 months of study for DILS officials to learn everything they can about the country before traveling there, including whom they will need to meet with while in-country. In addition, for such an assessment, DILS would research the country's legal authorities beforehand to generate questions. DILS would send a team of up to four people to conduct the assessment, each with one or more areas to focus on, such as the penal system. Typically, the DILS team would be in-country for 3 to 5 days and would produce a 40- to 70-page assessment, including a history of the foreign government, information on its key military officials and military-related legal authorities, and a roadmap for helping the partner nation move forward. In-country DOD security cooperation officials could use this assessment to decide whether and to what extent to pursue the course of action outlined in the assessment. According to DILS officials, DILS does not provide assistance to a country if that country is not receptive to it.

DOD Has Not Assessed Whether the Size of DIILS’s Workforce Aligns with the Scope of Its Mission

The demand for DIILS’s assistance has increased over time, as summarized in table 2. However, DOD has not assessed whether the size of DIILS’s workforce aligns with the scope of its mission, which has been expanded in response to statutory requirements and U.S. strategic goals. Federal internal control standards highlight the need for management to conduct reviews at the functional or activity level, which may include conducting a workforce review or developing a corrective action plan, if needed.

Table 2: Chronology of Key Changes to the Mission of the Defense Institute of International Legal Studies

1992	The Department of Defense (DOD) established the predecessor of Defense Institute of International Legal Studies (DIILS), the International Training Detachment of the Naval Justice School, to provide core rule of law training. <sup>a</sup>
2008	The Department of State (State) asked DIILS to provide defense institution-building assistance to the Democratic Republic of the Congo, a longer-term and more resource-intensive type of effort than DIILS’s core rule of law training. <sup>b</sup>
	DOD tasked DIILS to be the sole provider for the statutorily required human rights training pursuant to the authority to build the capacity of foreign security forces as part of the Global Train and Equip Program. <sup>c</sup>
2010	The Office of the Under Secretary of Defense for Policy tasked DIILS with delivering additional defense institution-building assistance, according to DIILS officials.

Sources: GAO analysis of DOD and State information and legislative documents. | GAO-17-118

<sup>a</sup>DOD renamed the organization to DIILS in 1997.

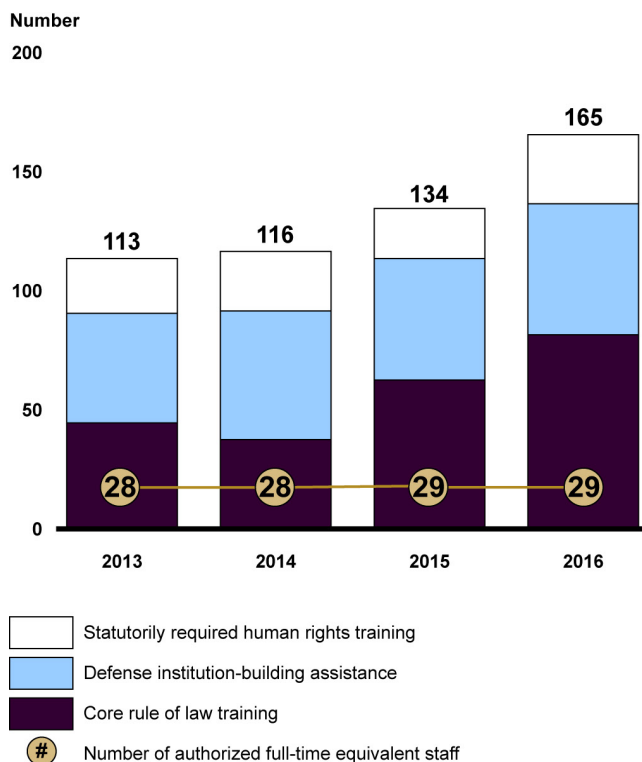
<sup>b</sup>Defense institution-building generally involves facilitators providing this assistance through multiple events that may occur over a year or longer. In comparison, core rule of law training generally involves facilitators delivering training in a one-time event ranging from 3 days to 10 weeks.

<sup>c</sup>The Global Train and Equip Program was previously referred to as the “Section 1206” program because it was originally authorized in section 1206 of the National Defense Authorization Act for Fiscal Year 2006; see Pub. L. No. 109-163, § 1206, 119 Stat. 3456, Jan. 6, 2006. The Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 authorized a permanent program, codified at 10 U.S.C. § 2282, and the program is now often referred to as “Section 2282.” See Pub. L. No. 113-291, § 1205(a)(1), 128 Stat. 3533, Dec. 19, 2014.

Amid increasing demand and interest in DIILS’s provision of defense-institution building assistance and statutorily required human rights training, the number of events that DIILS has provided has increased since fiscal year 2013, while its workforce has increased by a single full-time equivalent (FTE) staff, going from 28 FTE staff in 2013 to 29 FTE staff in 2016, as illustrated by figure 7.<sup>16</sup>

<sup>16</sup>The number of FTE staff is the total number of hours worked by employees divided by the number of compensable hours applicable to each fiscal year.

**Figure 7: Number and Type of Rule of Law Assistance Events Held by the Defense Institute of International Legal Studies, and Full-Time Equivalent Staff, Fiscal Years 2013–2016**



Pictured are 25 of the 28 staff at the Defense Institute of International Legal Studies in fiscal year 2014.

Sources: GAO analysis of Department of Defense data; Defense Institute of International Legal Studies (photo). | GAO-17-118

Because the demand for DIILS's assistance is generated externally, DIILS does not have full control of its workload. As figure 7 further shows, the number of events that DIILS has provided for all rule of law assistance has increased since fiscal year 2013—with various DOD and State sources requesting that DIILS complete 52 more events in fiscal year 2016 than it completed in fiscal year 2013. Currently, to respond to requests for assistance, DIILS employs 29 FTE staff, which consist of 20 civilian staff and 9 military Staff Judge Advocates who represent the Army, the Navy, the Air Force, the Marines, and the Coast Guard.<sup>17</sup> To meet increasing demands for assistance and requests for specialized subject matter expertise, DIILS augments its FTE staff with military reserve Staff Judge Advocates and civilian experts. DIILS officials said

<sup>17</sup>According to a DIILS official, military personnel assigned to DIILS generally serve a 3-year tour of duty with DIILS.

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that its adjunct database lists about 700 individuals and that multiple adjunct staff generally participate in each DIILS event.

Although DIILS is funded entirely through reimbursements from DOD and State, its FTE staff must be approved by DSCA. In fiscal year 2015, DSCA authorized one additional military FTE staff to address increasing partner countries' maritime security needs.<sup>18</sup> DIILS also requested an additional civilian FTE staff in fiscal year 2015 in part to help meet the increasing demands of defense institution-building assistance; however, according to DOD officials, DSCA did not approve this request. DOD officials told us that the decision was based on budget considerations rather than on an assessment of whether the size of DIILS's workforce aligns with the scope of its mission to provide rule of law assistance. Although DIILS officials expressed the need for more than one additional FTE staff, they noted that they have not requested additional FTE staff because DSCA has communicated that additional requests would not be approved.

According to DIILS officials, DIILS faces staffing constraints in part because of increased demands and in part because defense institution-building assistance is more resource intensive than DIILS core rule of law and statutorily required human rights training. As a result of the staffing constraints, DIILS has expended only 55 percent—\$5.9 of \$10.7 million—of the defense institution-building funds that the Office of the Under Secretary of Defense for Policy has made available since fiscal year 2013. In addition, DIILS has not completed all required after action reports for the training and assistance it conducted because DIILS has not had the staff capacity to do so, according to DIILS officials. These reports are necessary, according to DIILS officials, for conveying lessons learned and providing consistency for military officials that serve on rotational assignments and others who serve as adjunct faculty. According to DIILS officials, only about 55 percent of required after action reports since fiscal year 2013 had been completed as of August 2016 because the staff assigned to complete them spend up to three-quarters of their time on assignments requiring travel abroad. These staff often travel several weeks in a row to multiple events on different continents where they are presenting course materials and executing logistics arrangements for the teams of facilitators and the participants.

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<sup>18</sup>According to a DIILS official, DSCA approved an agreement that allowed DIILS to fund the salary of a second Coast Guard Judge Advocate General assigned to a tour of duty at DIILS.

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Moreover, as a result of staffing constraints, DIILS has potentially missed opportunities to provide additional training and assistance to further address foreign partner needs. For example, an official from U.S. Southern Command told us that they would hire DIILS to provide additional assistance if they thought DIILS had the staff capacity to provide it. However, because of the perceived lack of resources possibly limiting DIILS's ability to provide the assistance, the official at U.S. Southern Command said that resources within the combatant command are used to provide assistance instead, often by officials that lack the same level of expertise provided through DIILS. During fieldwork in Germany, we also observed a DIILS official explaining to a DOD in-country official that he could only guarantee providing the country with core rule of law training if the country official used IMET funds. He noted that this is because DIILS's priority is to deliver IMET-funded core rule of law training and DIILS may lack staff resources to provide assistance through other funds.

In addition, according to DIILS officials, although DIILS has the physical space to increase the capacity for the courses it holds in Newport, Rhode Island, from 50 to 75 participants, DIILS is facing logistical challenges in increasing capacity as a result of staffing constraints. For example, DIILS does not have sufficient administrative staff to process travel documents and provide the necessary transportation for that number of resident course participants, according to DIILS officials.

Federal internal control standards highlight the need for management to conduct reviews at the functional or activity level, which may include conducting a workforce review or developing a corrective action plan, if needed.<sup>19</sup> Applying this standard would help DOD address its *Fiscal Years 2013–2018 Strategic Workforce Plan Report*, which states that the success of the DOD mission requires a well-maintained, properly sized, and highly capable civilian workforce that aligns to mission and workload requirements.<sup>20</sup>

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<sup>19</sup>See [GAO/AIMD-00-21.3.1](#). These standards were in effect prior to fiscal year 2016 and cover the time period of agencies' data in our report. The standards were subsequently updated and went into effect on October 1, 2015. See [GAO-14-704G](#).

<sup>20</sup>DOD, *Fiscal Years 2013–2018 Strategic Workforce Plan Report*, July 2013. This criterion applies to the Office of the Under Secretary of Defense for Policy because its employees are part of DOD's civilian workforce.

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## Conclusions

Upholding the rule of law is critical to U.S. peace- and security-building efforts abroad. DIILS's efforts to train foreign partners in respect for human rights, the laws of armed conflict, and rules on the use of force, among other rule of law concepts, is an essential element of U.S. efforts to build stronger coalitions to combat international threats. Since fiscal year 2013, the demand for DIILS's assistance has increased by nearly 50 percent. According to DIILS officials, because of its expanded mission and the static size of its workforce, DIILS's ability to meet demands for training and assistance has been constrained. These officials further note that DIILS's ability to complete its after action reports—internal records necessary for conveying lessons learned—and to increase the capacity of its resident courses has also been constrained. DOD, however, has not assessed the extent to which the size of DIILS's workforce aligns with the scope of its mission. As such, DOD may not be assured that DIILS's existing workforce is properly aligned with its expanded mission. Ensuring a properly aligned workforce is essential for enabling DIILS to achieve its mission of training foreign partners on rule of law concepts, including greater respect for human rights, while also maximizing the efficiency of providing this training.

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## Recommendation for Executive Action

To help ensure that DOD successfully achieves the goal of supporting foreign nations in upholding the rule of law, we recommend that the Secretary of Defense assess the extent to which the size of DIILS's workforce is aligned with the scope of its mission, including whether DIILS has sufficient staff to complete required after action reports and to increase its resident course capacity.

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## Agency Comments

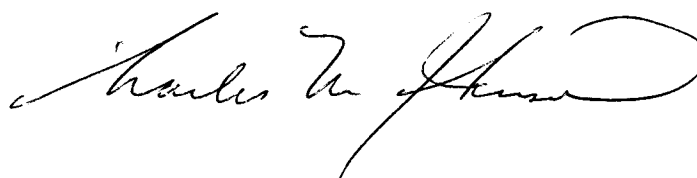
We provided a draft of this report to DOD and State for comment. In its written comments, which are reproduced in appendix III, DOD concurred with our recommendation. DOD also provided technical comments, which we incorporated as appropriate. State had no comments on the draft.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Secretary of State, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

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If you or your staff have any questions about this report, please contact me at (202) 512-7331, or [johnsoncm@gao.gov](mailto:johnsoncm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.

A handwritten signature in black ink, appearing to read "Charles M. Johnson, Jr.", with a large, stylized loop at the end.

Charles Michael Johnson, Jr.  
Director, International Affairs and Trade



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# Appendix I: Objectives, Scope, and Methodology

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House Report 114-102 includes a provision for us to review Department of Defense (DOD) efforts to work with DOD's foreign military partners to build rule of law capacity.<sup>1</sup> This report examines the extent to which, for fiscal years 2013 through 2016, (1) the Defense Institute of International Legal Studies (DIILS) has provided rule of law assistance to foreign partners and assessed its quality, (2) planning processes for DIILS's rule of law efforts have considered foreign partner needs, and (3) DOD has considered whether the size of DIILS's workforce aligns with the scope of its mission.

To address our objectives, we analyzed documents and data and interviewed officials from DOD and the Department of State (State), including DIILS, the Defense Security Cooperation Agency (DSCA), and the Office of the Under Secretary of Defense for Policy, as well as in-country DOD security cooperation and State officials, DIILS training facilitators, and foreign partner officials. We focused on rule of law assistance that DIILS provided and excluded rule of law assistance provided by other DOD entities, the U.S. Agency for International Development, and the Departments of Homeland Security and Justice. We also excluded State assistance not covered under Title 22, such as assistance provided by State's Bureau of International Narcotics and Law Enforcement Affairs.

To examine the extent to which DIILS has provided rule of law assistance to foreign partners and assessed its quality for fiscal years 2013 through 2016, we reviewed relevant authorities and identified the processes that DOD and State have in place to plan rule of law assistance. We focused on DIILS and the primary processes used to implement (1) core rule of law training,<sup>2</sup> determined through a series of interagency working groups; (2) defense institution-building assistance, determined by the Office of the Under Secretary of Defense for Policy and State's Bureau of Political-Military Affairs in coordination with DOD; and (3) statutorily required human rights training, delivered pursuant to the authority to build the

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<sup>1</sup>House Report 114-102 accompanying H.R. 1735, a bill to authorize appropriations for fiscal year 2016 for the military activities of the Department of Defense and for other purposes. The President vetoed H.R. 1735. Subsequently, Congress passed and the President signed S. 1356, which became Pub. L. No. 114-92, the National Defense Authorization Act for Fiscal Year 2016.

<sup>2</sup>We define core rule of law training as DIILS's 3-day to 10-week resident and mobile training events provided to foreign military officials that are primarily funded through the International Military Education and Training (IMET) program.

capacity of foreign security forces as part of DOD's Global Train and Equip Program.<sup>3</sup> We also analyzed event data from DIILS for fiscal years 2013 through 2016. We used these data to determine the number of rule of law events in various countries and geographic combatant commands. To determine the reliability of DIILS's funding data, we compared and corroborated the information, requested information from DIILS officials regarding the processes they use to collect and verify the data, and checked the data sets for reasonableness and completeness. When we found discrepancies or missing data fields, we brought them to the attention of relevant agency officials and worked with the officials to correct the discrepancies and missing fields. The funding and activity data we received from DIILS are current as of October 2016. We did not conduct a financial audit of the funding data and are not expressing a financial opinion on them. Based on the checks we performed, we determined that the funding data we collected from DIILS were sufficiently reliable for the purposes of our reporting objectives. Additionally, we obtained perspectives on the steps DIILS takes to make its assistance effective by observing DIILS training in the United States, Botswana, and Uganda and by reviewing select DIILS after action reports to gather information about the contents of these reports. We also interviewed DIILS officials and recipients of DIILS assistance. For the purposes of this review, we did not examine the extent to which DIILS takes these steps consistently. To examine the extent to which DIILS assessed the quality of its assistance to foreign partners, we interviewed DIILS officials about the steps they take to assess the quality of their assistance and foreign recipients about their perspectives on the assistance they received. We compared DIILS officials' statements with leading practices that we have identified for assessing the quality of strategic training.<sup>4</sup>

To examine the extent to which the planning processes for DIILS's rule of law efforts have considered the needs of foreign partners since fiscal year

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<sup>3</sup>The Global Train and Equip Program was previously referred to as the "Section 1206" program because it was originally authorized in Section 1206 of the National Defense Authorization Act for Fiscal Year 2006; see Pub. L. No. 109-163, § 1206, 119 Stat. 3456, Jan. 6, 2006. The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 authorized a permanent program, codified at 10 U.S.C. § 2282, and the program is now often referred to as "Section 2282." See Pub. L. No. 113-291, § 1205(a)(1), 128 Stat. 3533, Dec. 19, 2014. This report covers periods of time during which both "Section 1206" and "Section 2282" were common nomenclature for the Global Train and Equip Program.

<sup>4</sup>GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004).

2013, we observed a U.S. Africa Command interagency working group conference for developing this assistance in Garmisch, Germany. We selected this conference to observe because it was scheduled during the period from March through May 2016 when we were available to conduct fieldwork and did not conflict with other planned fieldwork. Additionally, we reviewed integrated country strategies for the 10 countries for which DIILS was reimbursed the most money for assistance in fiscal years 2013 through 2015. Of country-specific disbursements in over 70 countries between fiscal years 2013 through 2015, we selected integrated country strategies for the 10 countries that spent the most money on DIILS assistance between fiscal years 2013 and 2015, accounting for over 60 percent of country-specific funds disbursed during that timeframe, or \$3.6 million of \$5.8 million. DIILS does not track DOD Operation and Maintenance Defense-Wide defense institution-building funds on a country-by-country basis, so funding for this type of assistance was not considered in selecting the top 10 countries. Ranked from most to least amount of DIILS assistance, these countries are (1) the Democratic Republic of the Congo, (2) Colombia, (3) Botswana, (4) the Czech Republic, (5) Lebanon, (6) Mexico, (7) India, (8) Bosnia and Herzegovina, (9) Burma, and (10) Niger. Additionally, the countries represent all six Geographic Combatant Commands: (1) U.S. Africa Command, (2) U.S. Central Command, (3) U.S. European Command, (4) U.S. Northern Command, (5) U.S. Pacific Command, and (6) U.S. Southern Command. We reviewed those country strategies that covered 2015 and 2016 because the strategies were created on a 3-year rolling basis, and strategies for 2015 and 2016 were the ones available for all 10 countries in our scope. The results of our analysis are not generalizable to all integrated country strategies. We selected two countries—Uganda and Botswana—for observation based on the nature and timing of assistance and the assistance that DIILS provided from March through May 2016, when we were available to conduct overseas fieldwork. We also conducted fieldwork at DIILS’s headquarters in Newport, Rhode Island.

- In Uganda, we observed DIILS officials providing statutorily required human rights training to military personnel in the Uganda People’s Defense Force, which received \$12.7 million in vehicles, weapons, and communications equipment, among other supplies, in support of

the African Union Mission in Somalia and its counterterrorism operations against al-Shabaab.<sup>5</sup>

- In Botswana, we observed DIILS officials providing a week of technical assistance to representatives of the Botswana Defence Force in support of its effort to revise and update the foundational military legislative authority of Botswana. These discussions included best practices and U.S. experiences related to gender integration; compensation for various employee groups, including recruits and retirees; and nonpunitive measures in the military. This was the seventh of eight planned exchanges since 2013, with the final exchange planned to occur prior to when Botswana's legislature would consider the revised legislation.
- In Newport, Rhode Island, we observed part of a 3-week military justice resident course held at DIILS that included an exercise on nonjudicial punishment attended by foreign military lawyers from various military services and one civilian official.

Additionally, we reviewed theater campaign plans for U.S. Africa Command, U.S. Central Command, U.S. Northern Command, U.S. Pacific Command, and U.S. Southern Command but did not include an analysis of these documents because DOD deems them sensitive. We focused on core rule of law training and defense institution-building assistance for this discussion. We excluded statutorily required human rights training because although DIILS works closely with various entities to plan and deliver this training, the law requires that DOD provide this training pursuant to the authority to build the capacity of foreign security forces as part of the Global Train and Equip Program. We compared these processes with the terms of Presidential Policy Directive 23, which provides policy guidelines for U.S. security sector assistance.<sup>6</sup>

To examine the extent to which DOD has considered whether DIILS's workforce aligns with its mission since fiscal year 2013, we examined DIILS's organizational structure and work requirements and actions DOD has taken to address DIILS's organizational needs. Specifically, we reviewed DIILS's full-time equivalent allocations from fiscal years 2013 through 2016, and we compared these to the number of events DIILS

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<sup>5</sup>The African Union Mission in Somalia is an active, regional peacekeeping mission operated by the African Union with the approval of the United Nations. It was created by the African Union's Peace and Security Council in January 2007.

<sup>6</sup>The White House, *Presidential Policy Directive 23 on Security Sector Assistance* (Washington, D.C.: Apr. 5, 2013).

provided in the three assistance types during this timeframe. We worked closely with DILLS officials to identify the events for which after action reports were required during this time period. In addition, we reviewed a DILLS official's analysis of the number of after action reports that were completed, as well as his methodology for completing this analysis. We found that the data were generally reliable for the purposes of our review. We compared DOD's actions with federal internal control standards and guiding principles articulated in DOD's *Fiscal Years 2013–2018 Strategic Workforce Plan Report*.<sup>7</sup>

We conducted this performance audit from September 2015 to December 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>7</sup>See GAO, *Standards for Internal Control in the Federal Government*, [GAO/AMD-00-21.3.1](#) (Washington, D.C.: November 1999). These standards were in effect prior to fiscal year 2016 and cover the time period of agencies' data in our report. The standards were subsequently updated in 2014. The updated standards went into effect on October 1, 2015. See GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014). See also DOD, *Fiscal Years 2013–2018 Strategic Workforce Plan Report*, July 2013. This criterion applies to the Office of the Under Secretary of Defense for Policy because its employees are part of DOD's civilian workforce.

# Appendix II: Examples of Rule of Law Assistance Implemented by the Department of Defense Other Than through the Defense Institute of International Legal Studies

Table 3 provides some examples of rule of law assistance that was implemented by Department of Defense (DOD) entities other than the Defense Institute of International Legal Studies (DIILS), but this is not an exhaustive list.

**Table 3: Examples of Rule of Law Assistance Implemented by the Department of Defense through Entities Other Than the Defense Institute of International Legal Studies**

DOD governing entity	Examples
Geographic Combatant Commands / Staff Judge Advocate offices	<p>The Staff Judge Advocate in U.S. European Command noted that events are focused on rule of law assistance that will enable interoperability and include conducting assessments as to where the U.S. European Command may want to partner in the future. Assessments may identify areas for targeted assistance over a 5-year span, such as providing the foreign partner with a better understanding of international agreements.</p> <p>The Staff Judge Advocate in U.S. Africa Command identified several events related to rule of law, including the African Accountability Colloquium, a 3-day event held each year with legal professionals. It covers a different topic each year. In 2013 the topic was military justice, and in 2016 it was gender-based violence. The African Military Law Forum is another such event, dedicated to identifying issues that African military legal professionals want to address.</p> <p>The Staff Judge Advocate in U.S. Northern Command said that, in addition to Defense Institute of International Legal Studies (DIILS) events to provide rule of law assistance, the U.S. Northern Command Staff Judge Advocate is supporting foreign partner participation at American University's Human Rights Academy and to train military judges on ethics, procedure, and evidence at the Judicial Studies Institute.</p>
Geographic Combatant Commands / Service Components (Army, Navy, Air Force, Marine Corps)	<p>Officials noted that Special Forces battalions have their own Judge Advocates General and that these provide rule of law training catered to addressing local issues, which may not be standardized across regions and is not tracked. For example, in Uganda, the Special Forces unit stationed there provided some training on the importance of rule of law as part of their operational training, and the Marine Corps had provided some human rights training as part of their efforts.</p> <p>The Staff Judge Advocate in U.S. Southern Command noted that most rule of law assistance in the U.S. Southern Command's area of responsibility is implemented through service components rather than through DIILS because most of the assistance is focused on long-term defense institution-building, which is too resource intensive for DIILS to always take the lead. For example, through service components, the Staff Judge Advocate has spent the last several years developing a Judge Advocate General corps in Belize, with topics ranging from establishing requirements for becoming a judge advocate general to developing the training.</p>
Joint Chiefs of Staff / Directorate of Strategic Plans and Policy / National Guard Bureau State Partnership Program	<p>This program links a U.S. state's National Guard with the armed forces or equivalent in a partner country and is currently engaging with 76 nations around the globe. Officials said that of the 800 events they conducted in 2015, 15 were focused on rule of law. These events emphasize information exchange. For example, the program shared information with Croatia on legal issues such as human trafficking, law of war, sexual harassment and prevention, and human dignity.</p>
Joint Chiefs of Staff / Directorate for Joint Force Development in coordination with Geographic Combatant Commands	<p>Rule of law is not the main focus for a joint exercise, where the goal is to establish interoperability with partner nations. However, rule of law concepts such as international humanitarian law or professionalization of the military may be covered for exercises where the focus is on peace support operations or defense institution-building. Such training may take place through lawyer briefings or a pre-exercise brief.</p>

**Appendix II: Examples of Rule of Law  
Assistance Implemented by the Department of  
Defense Other Than through the Defense  
Institute of International Legal Studies**

DOD governing entity	Examples
Joint Chiefs of Staff / International Military Education and Training Schools	The U.S. Army and Navy War Colleges, among others, host foreign partners to obtain degrees that include topics on rule of law. For example, at the Naval Postgraduate School, the Center for Civil-Military Relations hosts foreign partners with some classes touching on rule of law, though there is no class specific to rule of law. Officials noted that the International Defense Acquisition Resource Management Program addresses the topic of corruption, the UN Peacekeeping Operations Contingent Commanders course discusses rule of law and international humanitarian law, and many other courses address issues related to professionalization of the military. Mobile courses may also include rule of law topics tailored to a country's particular need. The center also conducts some defense institution-building with a focus on transparency and developing processes that are less susceptible to corruption.
Defense Security Cooperation Agency / Department of Defense (DOD) Regional Centers	<p>The Africa Center for Strategic Studies conducts several programs that have a rule of law component, such as the Pan-African Next Generation of Security Sector Leaders, designed for midlevel military officers. This program varies year to year but usually includes courses on corruption and may include modules on rule of law concepts such as ethical leadership and peace support. Officials also noted that the center holds thematic programs that may highlight rule of law concepts.</p> <p>The William J. Perry Center for Hemispheric Defense Studies promotes greater understanding of U.S. policy; mutually supportive approaches to security challenges; and improved, sustainable institutional capacity through courses, seminars, outreach, strategic dialogue, and focused research with senior civilian and military officials from the Americas. The center has a 2-week rule of law course with 35–40 lectures on topics that include human rights and good governance for civilian and military personnel.</p>

Sources: GAO interviews with DOD officials, and open source documents. | GAO-17-118

# Appendix III: Comments from the Department of Defense



**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE**  
2200 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-2200

STRATEGY, PLANS  
AND CAPABILITIES

DEC 01 2016

Mr. Charles M. Johnson, Jr.  
Director, International Affairs & Trade Capabilities  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Johnson:

The office concurs with the recommendation of GAO Draft Report GAO-17-118, "RULE OF LAW ASSISTANCE: DoD Should Assess Workforce Size of Defense Institute of International Legal Studies," dated November 2, 2016 (GAO Code 100325). My point of contact is LTC Steve Carroll at 703-697-6040, [steven.d.carroll8.mil@mail.mil](mailto:steven.d.carroll8.mil@mail.mil).

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas W. Ross, Jr.", with a stylized flourish at the end.

Thomas W. Ross, Jr.  
Deputy Assistant Secretary of Defense  
for Security Cooperation



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# Appendix IV: GAO Contact and Staff Acknowledgments

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## GAO Contact

Charles Michael Johnson, Jr., (202) 512-7331, or [johnsoncm@gao.gov](mailto:johnsoncm@gao.gov).

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## Staff Acknowledgments

In addition to the contact named above, Hynek Kalkus (Assistant Director), Jaime Allentuck (Analyst-in-Charge), Kendal Robinson, David Dayton, Neil Doherty, Mark Dowling, and Jill Lacey made key contributions to this report. Gustavo Crosetto and Peter del Toro provided technical assistance.

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